

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL HOLTSINGER,

Plaintiff, No. CIV S-03-0732 MCE CMK P

vs.

J.M. BRIDDLE, et al.,

Defendants.

ORDER

Plaintiff brings this civil rights action pursuant to 42 U.S.C. § 1983. This proceeding was referred to the undersigned by Local Rule 72-302 by the authority of 28 U.S.C. § 636(b)(1).

Since filing his complaint in 2003, plaintiff has suffered ongoing problems in serving defendant Knight. On June 5, 2006, the court issued an order directing plaintiff to show cause why defendant Knight should not be dismissed for failure to serve. On June 19, 2006, plaintiff responded to the order to show cause and filed a notice of address for defendant Knight. Plaintiff also submitted a summons, USM form and one copy of the November 29, 2004 complaint for service of defendant Knight at the address plaintiff has recently found. The court notes, however, that the operative complaint in this case is the amended complaint filed on March 1, 2006. (Doc. 141)

1 Accordingly, the court will hold the summons and USM form submitted on June
2 16, 2006. Plaintiff will be required to mail the court one copy of the amended complaint filed
3 March 1, 2006. When the court receives the amended complaint, the court will issue a service
4 order.

5 IT IS ORDERED that:

6 1. The June 5, 2006 order to show cause is discharged.
7 2. Plaintiff's request to serve defendant Knight by publication (doc. 150) is denied
8 without prejudice.

9 3. Plaintiff shall submit a copy of the March 1, 2006 amended complaint to the
10 court within thirty days of the date of this order. Failure to comply with this order may result in a
11 recommendation that this case be dismissed. See L.R. 11-110.

12 4. Upon receipt of a copy of the March 1, 2006 amended complaint, the court will
13 issue an order directing service of defendant Knight.

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15 DATED: June 21, 2006.

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17 CRAIG M. KELLISON
18 UNITED STATES MAGISTRATE JUDGE
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